

**HONORABLE WILLIAM Q. HAYES
UNITED STATES DISTRICT JUDGE
CRIMINAL PRETRIAL & TRIAL PROCEDURES**

Please note: The Court provides this information to counsel and parties for general guidance. Counsel must still strictly adhere to all Court Orders and the Court may vary these procedures as appropriate in any case.

Court Calendar

Criminal Matters are generally heard on Mondays at 9:00a.m. and 2:00p.m. unless otherwise scheduled by the Court.

Pretrial Motions

Magistrate Judges will schedule the Motion/Trial Setting hearing on the Monday calendar six weeks from the initial appearance before the Magistrate Judge. All motions, except motions in limine and those pertaining to sentencing matters shall be filed at least **21 calendar days** before the hearing date. Opposition briefs shall be filed at least 7 calendar days before the hearing date.

Applications for an Order Shortening Time are disfavored and must be supported by a non-conclusory affidavit signed by counsel setting forth facts establishing specific good cause.

Disposition Hearings

Rule 11 guilty pleas may be entered before a Magistrate Judge unless the parties anticipate immediate sentencing. Counsel shall contact the courtroom deputy for the Magistrate Judge assigned to the case or the Duty Magistrate Judge to schedule the disposition and immediately inform the courtroom deputy for Judge Hayes of the disposition hearing. See Local Rule 11.2.

Trial Procedures

A. **Motions in Limine.** At the pretrial motions date, the Court will schedule a hearing date for motions in limine. Motions in limine are due two weeks before the hearing, with any opposition due one week before the hearing.

B. **Trial Briefs.** Pursuant to Criminal Local Rule 23.1, the parties may, no later than five court days before the date of trial, serve and file briefs on all significant disputed issues of law, including foreseeable procedural and evidentiary issues.

C. Proposed Voir Dire Questions and Verdict Forms. Counsel may serve and file proposed voir dire questions and forms of verdict on the day set for motions in limine.

D. Jury Instructions. The parties should each submit proposed jury instructions to the Court on the first day of trial, unless otherwise ordered by the Court. Supplemental instructions must be filed and served as soon as the need for the instruction becomes apparent.

The Court prefers to use the Model Jury Instructions for the Ninth Circuit whenever possible. The Court will accept other proposed jury instructions but counsel must cite the authority supporting the proposed instructions. Any proposed instruction from statutory authority or the Ninth Circuit Model Instructions must state specifically the modification and the authority supporting the modification.

Before the case is submitted to the jury, the Court will provide each party with the jury instructions the Court intends to use. It is each party's responsibility to carefully review the instructions and make suggestions to the Court if modifications appear necessary.

E. Jury Selection. The Court will conduct the initial voir dire. On a case by case basis, the Court may permit follow-up voir dire conducted by the attorneys. If voir dire is permitted, ten minutes per side on non-complex cases generally will be allowed.

F. Presentation of Evidence.

Do not enter the well, except during voir dire, opening statements and closing argument.

Conduct all examination of witnesses from the podium.

Please seek permission from the Court before approaching a witness.

Please keep your visit to the witness stand brief, i.e., by quickly orienting the witness with an exhibit and returning to the podium.

When objecting state only the legal ground for the objection, i.e., "objection, hearsay." Speaking objections are not permitted, unless the Court requests further information from counsel.

When a party has more than one lawyer, only one lawyer may conduct the examination of a given witness and that lawyer alone may make objections concerning that witness.

H. Exhibits. Government counsel must provide a list of exhibits and give it to the Courtroom Deputy Clerk on the first day of trial. All exhibits must be pre-marked on the first day of trial. Exhibit stickers may be obtained from the Clerk of the Court or from the Courtroom Deputy Clerk, in advance of trial.

I. Trial Schedule. Generally, trials are scheduled from 9:00a.m. to 5:00p.m., beginning on Tuesdays. Jury deliberations proceed from 9:00a.m. to 5:00p.m. The Court will notify the parties of deviations from this schedule and will attempt to accommodate jurors, witnesses and counsel, if conflicts arise.

Sentencing

Sentencing procedures are set forth in Criminal Local Rule 32.1. If the parties request, the Court may elect to proceed with immediate sentencing in immigration cases but only where the Court has sufficient information in the record to perform the meaningful exercise of sentencing authority.

A party seeking a continuance of a sentencing hearing must notify the Courtroom Deputy Clerk at the earliest possible time, but in no event later than noon Friday prior to the Monday sentencing date.

Counsel shall file the completed sentencing summary chart in the court record or e-mail the sentencing summary chart to “efile_hayes@casd.uscourts.gov” no later than five (5) days before the sentencing hearing required in Criminal Local Rule 32.1 a. 9. Counsel is not required to deliver a copy of the sentencing summary chart to chambers.

General Decorum

All persons, whether observers, witnesses, lawyers, or clients must maintain proper decorum while in the courtroom. Counsel shall rise when addressing the court, when examining a witness, and, in jury trials, when the jury enters or leaves the courtroom.

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